IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2345 OF 2006

Narendra Kumar Sharma ... Petitioner
Versus
The State of Maharashtra
and Ors. ... Respondents

Ms. Shubhangi Chavan i/b. Mr. A.M. Sarogi for the Petitioner
Mrs. U.V. Kejariwal APP for the State

CORAM : S.B. MHASE,
& S.R. SATHE, JJ.
DATED : 27th NOVEMBER, 2006

P.C. :-

1. This is a Petition requesting this Court to quash the FIR. For the said purpose, FIR registered in C.R. 283/1999 registered under the provision of sections 448, 454 & 34, MECR No.03 of 2005 registered under the provision of sections 406 and 420, MECR No.10 of 2005 registered under the provisions of sections 463, 467, 468 and 471.

2. It appears that dispute between parties was in respect of certain flats and price of it and the matter has been settled between the parties outside the Court. This aspect can be gathered from order passed on anticipatory bail application No. 1229/2005 decided by

the Court of Sessions for Greater Bombay. After having recorded the consent terms the Sessions Judge has directed the Investigating Officer to classify the case since the matter has been settled between parties.

3. After passing of this order, Petitioner filed Writ Petition No.2706/2005 for the same reliefs which have been claimed in this petition. However, having found that the matter has been settled between parties, the court passed following order :-

> *" Learned Counsel for the parties submits that the matter is amicably settled between the Petitioners and Respondent Nos. 1,2 and 3 and they are not interested in prosecuting the Petition.*
>
> *Petitioners are permitted to withdraw the Petition as settled out of Court.*
>
> *Petition dismissed."*

4. This order was passed on 18/09/2006. However, having found that orders as desired by the Petitioners are not passed, the Petitioner moved the same Petition before the same Bench on 10/10/2006. After hearing the Petitioner, Court passed the following order.

> " The Petitioner has moved this Court for seeking quashing off the F.I.R. The matter is compounded between the parties whereas this Court has disposed of the Petition as settled out of Court.
>
> We find that our order does not require any clarification in the matter. The parties have settled the matter out of Court and do not want to prosecute this Petition.
>
> We have disposed of the Petition accordingly."

5. Thus, the Writ Petition No. 2706/2005 twice appeared before the Court and the Court disposed of it. However, it appears that since it was not disposed of by quashing the FIR as prayed for, the petitioner was not satisfied with that and therefore this is a second Petition filed by the Petitioner for the same relief

which were claimed and prayed in Writ Petition 2706/2005. In fact, dispute has been settled. Their consent terms have already been recorded by the Session Judge.

6. The Sessions Judge has also directed Investigating Officer to classify the cases. That means Investigating Officer has to classify these cases as 'A' Summary, 'B' Summary, 'C' Summary. Learned Counsel for the State makes statement that Summary Report has been submitted to the Magistrate on 04/01/2006 and therefore, as per the said report appropriate summary will be granted by the Magistrate and it is not necessary to quash the FIR.

7. Petition repeatedly appeared before this Court. We do not find any substance in the Petition under the above referred facts and circumstances. We impose cost of Rs.1,000/- on Petitioner for unnecessary approaching this Court repeatedly.

8. Cost shall be deposited to the State Legal Services Authority within a period of 2 weeks. If it is not so deposited, steps shall be taken by the Registrar (Judicial) to recover the said amount as arrears of fine by approaching the appropriate forum.

(S.R. SATHE, J.) ***(S.B. MHASE, J.)***